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12/06/2016

Anderson, Diane

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 09-0688

From: T. Jones <homecheck.his@gmail.com>
Sent: Monday, December 5, 2016 2:52 PM
To: Court, SCclerk
Subject: Professional Rules of Conduct Rule 8.4

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Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

Regards: Professional Rules of Conduct Rule 8.4

Honorable Members of the Court,

I am very concerned about Rule 8.4g, Professional Rules of Conduct regarding Montana Attorneys, that stemmed from your order from late October, 2016, regarding case number AF 09-0688. I am not an attorney nor a member of the clergy, but I would like to see this rule dropped for the following reasons:

- This rule goes against the 1st amendment of the US constitution regarding freedom of speech and freedom of religion.
- I also believe that this will go against the Montana constitution, specifically Article II, Sections 3, Inalienable Rights; 4, Individual Dignity; 5, Freedom of Religion; and 7, Freedom of Speech, Expression, and Press.
- This rule could also hinder an attorney from defending a client in the future, by muzzling reasonable concerns and issues that clients can use to help build a case for themselves.
- The vague language of this rule could spill over into an attorneys private life or social activity as was explained by UCLA law Professor Eugene Volokh in the Washington Post. Attorneys shouldn't have to analyze every spoken word they make, or should anyone else for that matter.

I am sure that there are many other reasons that this change of rule 8.4 would be bad for the practicing attorneys of Montana, so I ask the court to NOT adopt the change proposal to rule 8.4 of the Professional Rules of Conduct.

Thank you,

Thomas S. Jones